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Defense Traces Cabbage Case

By WILLIAM GREEN

The attorney for Charles LaVerne Cabbage, a founder of the black militant Invaders, yesterday said his client "did not willfully and knowingly" fail to report for military induction on May 10, 1968.

In opening arguments in the court of Federal Judge Bailey Brown, attorney Howard Moore Jr. of Atlanta said Cabbage, 24, a Morehouse College graduate whose last address was 234 Ingle, was so nervous and mentally upset at the time that he was "unable to form an intent to violate the law."

Cabbage, free on $5,000 bond, could receive a maximum sentence of five years imprisonment and $10,000 fine if convicted for draft evasion. He also is charged in two Criminal Court indictments with third-degree burglary, larceny and receiving stolen property and carrying a pistol.

Miss Eunice M. Holloway, executive secretary of Local Board 83, testified that three board members, including a Negro, granted Cabbage a hearing on a request that his classification, changed from 2-S (student deferment) to 1-A in October, 1967, be revised on grounds he was a conscientious objector.

An appeal agent was assigned to help Cabbage but the registrant failed to follow through and on April 22, 1968, was notified to report for induction on May 10 at 7 a.m., Miss Holloway said.

On the day Cabbage was to report for induction, she said, she received a letter from the Tennessee Psychiatric Hospital and Health Institute saying an interview with the registrant showed he suffered "some depression and paranoid feelings." The letter, she said, came too late to affect Cabbage's classification.

The hospital report, she said, showed that Cabbage felt he was "under too much pressure — socially and politically — and had difficulty sleeping" but that the interview "showed no evidence" that he was psychotic.

The hospital informed Miss Holloway that the case was closed after Cabbage failed to return for a second interview and was not heard from again.

Cabbage, who sat solemnly through the first day of testimony, has worked for the Black Organizing Project of Memphis, a group composed of student groups at LeMoyne-Owen College which Cabbage once attended, Memphis State University and city high schools.

A former employe of the War on Poverty program, Cabbage was indicted by the Shelby Grand Jury on charges of burglary, larceny and receiving stolen property in connection with the burglary last July of offices of CME Publishing House Building Fund at 531 South Parkway East, a Negro-owned religious publishing firm.

His attorney, Mr. Moore, is with the Southern Legal Defense Fund, a group that provides counsel in draft cases. Asst. United States Atty. Henry Klein is the prosecuting attorney in he trial, which resumes this morning at 9:30.